

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
JUDITH H. WEISS

Plaintiff(s)

- against -

Docket No. 07 CV 5712 (MHD)

FRANCES M. CREEM and BETTY M. OLSON,

Defendant(s)  
-----X

STATE OF NEW YORK ) SS.:  
COUNTY OF DUTCHESS)

I, BETTY M. OLSON, being duly sworn, deposes and says:

That I am one of the defendants in the above-captioned action and make this affidavit in support of the motion pursuant to FRCP Rule 56 for an order granting me summary judgment and dismissing the complaint and cross-claim against me.

I am one of the defendants in the above-captioned action. On September 18, 2006 at approximately 3:00 p.m. I was operating my 2003 Suzuki Aerio Hatchback. I was on Route 32 northbound in hamlet of Tillson. I had one passenger, Judith Weiss, in the front passenger seat. I was showing her houses which were for sale in the area. I had picked up Ms. Weiss at a Park and Ride off of the New York State Thruway. We had then visited a house in New Paltz and had traveled about 8 miles from New Paltz on Route 32. The weather was clear and the roadway of Route 32 was dry.

The accident occurred on Route 32 just past the built-up area of Tillson. At that point Route 32 is a two-way road with two lanes southbound, one lane northbound with a gentle decline. At that point I had to bring my vehicle to a stop for traffic. There was a school bus, then 2 cars and then my vehicle. My vehicle was stopped at least two minutes before this accident occurred.

The first notice I had of the accident was a large sound and feeling a heavy impact to the rear of my vehicle. My vehicle was pushed forward. The vehicles in front of mine had started to move forward so my vehicle did not hit them. I steered to the right and was able to stop my car after it traveled at least two car lengths, possibly more.

I did get out of my vehicle and approached the driver of the vehicle behind me. The driver, Ms. Creem, stated she was sorry and that her brakes failed.

Betty M. Olson  
BETTY M. OLSON

Sworn to before me this  
26<sup>th</sup> day of February 2008

Joanne L. Smerling  
Notary Public

JOANNE L. SMERLING  
Notary Public, State of New York  
No. 01SM6140677  
Qualified in Dutchess County  
Term Expires January 30, 2010